

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALFONSO PERCY PEW	)	
	)	Civil Action No. 03 - 1728
Plaintiff,	)	
	)	
v.	)	Chief Judge Donetta W. Ambrose /
	)	Magistrate Judge Lisa Pupo Lenihan
JOANNE TORMA, Central Office Department	)	
of Corrections Religious Accommodations Board	)	
for Special Needs; DAVE ROBERTS, Unit	)	
Manager, Bureau of Inmate Services Central	)	
Office of Department of Corrections;	)	
T'SHANNA KYLER, Department of	)	
Corrections Grievance Final Review Board;	)	
THOMAS A. FULCOMER; WILLIAM J.	)	
LOVE; JEFFERY A. BEARD, Central Office	)	
Department of Correction Secretary and	)	
Deputies; MECHLING; WILLIAM TERZA,	)	
Pittsburgh State Prison Warden and Chaplain;	)	
VICUSI, Correctional Officer 1; CULP,	)	
LIEUTENANT 2; EVANS, Correctional	)	
Officer 1; WILLIAM S. STICKMAN,	)	
Superintendent; NIXON, Correctional Officer	)	
1; JAMES META, Food Service Supervisor;	)	
CAROL A. DEWITT; and COREY A. BISH,	)	
	)	
Defendants.	)	

**ORDER**


AND NOW, this 4<sup>th</sup> day of January, 2006, **IT IS ORDERED** that Plaintiff shall file a pretrial narrative statement no later than **February 3, 2005**. The pretrial narrative statement shall comply with Local Rule 16.1.4.A and shall also include a written statement of the facts that will be offered by oral or documentary evidence at trial and shall also include a list of all exhibits to be offered into evidence at the trial of the case and a list of the names and addresses of all witnesses plaintiff intends to call. Plaintiff shall include a summary of the anticipated testimony

of any witnesses who are presently incarcerated. Plaintiff shall serve a copy of the statement on counsel for the defendants, and shall include on the original document filed with the Clerk of Court a certificate stating the date a true and correct copy was mailed to defendants' counsel.

**IT IS FURTHER ORDERED** that on or before **February 24, 2005**, Defendants shall file and serve a pretrial narrative statement that shall comply with Local Rule 16.1.4. The pretrial narrative statement shall include a narrative written statement of the facts that will be offered by oral or documentary evidence as a defense at trial and shall include a list of all exhibits to be offered into evidence at the trial of the case and a list of the names and addresses of all witnesses the defendants intend to call.

**IT IS FURTHER ORDERED** that cumulative testimony by either party will not be permitted. Material facts not identified the pretrial narrative statements may be excluded upon objection or *sua sponte*. Witnesses or exhibits not identified in a pretrial narrative statement shall not be admissible at trial, except for an exhibit to be used solely for impeachment purposes. The parties shall not amend or supplement their pretrial narrative statements absent leave of court.

**IT IS FURTHER ORDERED** that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72.1.3(B) of the Local Rules for Magistrate Judges, the parties are allowed ten (10) days from the date of service of a copy of this Order to file objections to this Order. Failure to file timely objections may constitute a waiver of any appellate rights.

  
Lisa Pupo Lenihan  
United States Magistrate Judge

cc: ALFONSO PERCY PEW  
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